GOVERNMENT OF INDIA
EXTERNAL AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:480
ANSWERED ON:21.11.2001
MUTUAL LEGAL ASSISTANCE TREATY
GADDE RAMAMOHAN;M.V.V.S MURTHI;SHIVAJI MANE

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether Mutual legal Assistance Treaty has been signed between India and US recently;

(b) if so, the details of provisions of the treaty; and

(c) the manner in which the treaty is useful to the country?

Answer

MINISTER OF EXTERNAL AFFAIRS (SHRI JASWANT SINGH)

(a) The Treaty between the Governments of India and the USA on Mutual Legal Assistance in Criminal Matters was signed in New Delhi on October 17, 2001.

(b) The salient features of the Treaty are as under:

(1) The Treaty is designed to improve the effectiveness of the law enforcement authorities of both countries in investigation, prosecution, prevention and suppression of crimes, including those relating to terrorism, narcotics trafficking, economic crimes and organized crime, through cooperation and mutual legal assistance in criminal matters.

(2) Assistance includes taking testimony of persons, providing documents/records/items of evidence as per laws of the Requested State.

(3) Assistance can be provided, even if the conduct in question does not constitute an offence under the laws of the Requested State.

(c) While India and the US have cooperated in the past in the fight against criminal and terrorism-related offences, this Treaty provides a broader legal basis and enhanced procedural mechanisms for provision of assistance in connection with investigation, prosecution, prevention and suppression of such offences. The Treaty represents an important step forward in India-USlaw enforcement and counter-terrorism cooperation.